

2526.60 How do convictions for the possession or sale of controlled substances affect an education award recipient's ability to use that award?

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2526.100 How are education and Stafford loan forgiveness awards treated in determining eligibility for financial assistance under the Higher Education Act of 1965, as amended?

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§ 2526.10 What types of AmeriCorps educational benefits are available?

Individuals serving in approved AmeriCorps positions may be eligible to receive either AmeriCorps education awards or Stafford loan forgiveness awards, but may not receive both awards for the same term of service.

§ 2526.20 Who is eligible to receive a full education award from the National Service Trust?

(a) *General.* To receive a full education award from the National Service Trust, an AmeriCorps participant must meet the eligibility requirements for, and successfully complete the required term of service in, an approved AmeriCorps position, including approved AmeriCorps positions in the VISTA program established by the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et. seq.) and the National Civilian Community Corps program established by the National and Community Service Act of 1990.

(b) *Conditions.* (1) For any term of service, a VISTA Volunteer who successfully completes his or her required term of service is only eligible to receive an education award from the National Service Trust if he or she does not accept the postservice stipend authorized under section 105(a)(1) of the Domestic Volunteer Service Act of 1973.

(2) For any term of service, a National Civilian Community Corps par-

ticipant who successfully completes his or her required term of service is only eligible to receive an education award from the National Service Trust if he or she does not accept the alternative benefit described in section 158(g) of the National and Community Service Act of 1990.

§ 2526.30 Who is eligible to receive a full Stafford loan forgiveness award from the National Service Trust?

An individual who successfully completes a term of service in an approved AmeriCorps position in a Stafford Loan Forgiveness program is eligible to receive a full Stafford loan forgiveness award.

§ 2526.40 Is an AmeriCorps participant who does not complete a term of service eligible to receive a pro-rated education or Stafford loan forgiveness award?

(a) An individual who is released from a term of service for compelling personal circumstances, in accordance with § 2522.230(a) of this chapter, is eligible to receive a pro-rated education or Stafford loan forgiveness award as determined according to § 2527.10(d)(1) of this chapter if—

(1) The individual completed at least fifteen percent of his or her required term of service prior to the release; and

(2) The program chooses to provide the individual with a pro-rated education or Stafford loan forgiveness award pursuant to § 2522.230(a)(1) of this chapter rather than permitting the individual to complete the remainder of the term of service after a temporary suspension of service pursuant to § 2522.230(a)(2) of this chapter.

(b) Programs are encouraged, when appropriate, to suspend service rather than offer prorated educational benefits.

(c) An individual who is released from a term of service for cause in accordance with § 2522.230(b) of this chapter is not eligible for any portion of an education or Stafford loan forgiveness award.

(d) A VISTA volunteer who does not complete a term of service as a result of the early closure of the project in which he or she is serving is eligible to receive a pro-rated education award as

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determined according to § 2527.10(d)(1) of this chapter.

§ 2526.50 What conditions must an individual who has received an education award meet in order to use that education award?

An individual who receives an education award is eligible to use the award if the individual—

(a) Has received a high school diploma or its equivalent, is enrolled at an institution of higher education, or has received a waiver based on an individual education assessment conducted by the AmeriCorps program in which the individual participated;

(b) Is a citizen, national, or permanent resident alien of the United States; and

(c) Is not eligible to use the education award under § 2526.40 as a result of a conviction of the possession or sale of a controlled substance.

§ 2526.60 How do convictions for the possession or sale of controlled substances affect an education award recipient's ability to use that award?

(a) Except as provided in paragraph (b) of this section, a recipient of an education award who is convicted under pertinent Federal or State law of the possession or sale of a controlled substance is not eligible to use his or her education award from the date of the conviction until the end of a specified time period, which is determined based on the type of conviction as follows:

(1) For conviction of the possession of a controlled substance, the ineligibility periods are—

(i) One year for a first conviction;

(ii) Two years for a second conviction; and

(iii) For a third or subsequent conviction, indefinitely, as determined by the Corporation according to the following factors—

(A) Type of controlled substance;

(B) Amount of controlled substance;

(C) Whether firearms or other dangerous weapons were involved in the offense;

(D) Nature and extent of any other criminal record;

(E) Nature and extent of any involvement in trafficking of controlled substances;

(F) Length of time between offenses;

(G) Employment history;

(H) Service to the community;

(I) Recommendations from community members and local officials, including experts in substance abuse and treatment; and

(J) Any other relevant aggravating or ameliorating circumstances.

(2) For conviction of the sale of a controlled substance, the ineligibility periods are—

(i) Two years for a first conviction; and

(ii) Two years plus such additional time as the Corporation determines as appropriate for second and subsequent convictions, based on the factors set forth in paragraphs (a)(1)(iii) (A) through (J) of this section.

(b) (1) If the Corporation determines that an individual who has had his or her eligibility to use the education award suspended pursuant to paragraph (a) of this section has successfully completed a legitimate drug rehabilitation program, or in the case of a first conviction that the individual has enrolled in a legitimate drug rehabilitation program, the individual's eligibility to use the education award will be restored.

(2) In order for the Corporation to determine that the requirements of paragraph (b)(1) of this section have been met—

(i) The drug rehabilitation program must be recognized as legitimate by appropriate Federal, State or local authorities; and

(ii) The individual's enrollment in or successful completion of the legitimate drug rehabilitation program must be certified by an appropriate official of that program.

§ 2526.70 What is the time period during which an individual must use an education award?

(a) *General requirement.* An individual must use an education award within seven years of the date on which the individual successfully completes a term of service, unless the individual applies for and receives an extension in